

# **TRANSPORTATION SERVICE HUMAN RESOURCES POLICY**

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**SUBJECT: AFFIRMATIVE ACTION -  
FILLING TARGETED POSITIONS**

**Electronic copy  
Signed copy on file**

**APPROVED:** \_\_\_\_\_  
Deputy Secretary, Department of Transportation

**SECTION: 11B  
Issued: 7/1/93  
Revision No. 1  
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Effective: 10/1/93**

## **1. PURPOSE**

- 1.1 To establish a system for various levels of management to determine how to target positions for affirmative action.
- 1.2 To establish a system to review and approve the selection plans for all targeted positions.
- 1.3 To establish a system to review the proposed selection of all applicants for targeted positions.
- 1.4 To establish a system for the Equal Opportunity Officer to recommend concurrence or non-concurrence with the selections for all targeted positions.

## **2. APPLICABILITY**

- 2.1 This policy is applicable to all elements of the Department of Transportation as defined in Transportation Service Regulation 11.02.01.02B.

## **3. AUTHORITY**

- 3.1 Title VII, Civil Rights Act of 1964
- 3.2 Governor's Executive Order 01.01.1993.16 – Governor's Code of Fair Practices.
- 3.3 Article 49B of the Annotated Code of Maryland
- 3.4 Transportation Service Human Resources System Policy on Equal Employment Opportunity and Affirmative Action
- 3.5 Transportation Service Regulation 11.02.04 – Equal Employment Opportunity
- 3.6 Department of Transportation Affirmative Action Plan
- 3.7 Department of Transportation Structured Interview Guidelines

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## **4. DEFINITIONS**

- 4.1 Affirmative Action (AA) – Efforts exerted toward achieving equal opportunity through positive, aggressive and continuous results-oriented measures to correct past or present discriminatory practices and their effects on the conditions and privileges of employment.
- 4.2 Affirmative Action Plan (AAP) – Positive management plan indicating the action steps required for all organizational levels to initiate and measure equal opportunity program progress and effectiveness.
- 4.3 Affirmative Action Plan Goals – The anticipated results to be achieved by following specific Affirmative Action objectives.
- 4.4 Appointing Authority – Those individuals designated by the Secretary to approve or disapprove personnel transactions.
- 4.5 Availability – The identification is based on the availability of protected group applicants in the civilian labor force by major job category and using the State-wide availability provided by the U.S. Census Bureau.
- 4.6 Equal Opportunity Officer – Person whose principal function involves the managing of civil rights policies, practices, procedures and equal opportunity compliance review and evaluation functions for an Administration.
- 4.7 Fair Practices Officer – Individual charged with responsibility for the coordination of activities regarding Equal Opportunity and Affirmative Action for the Department.
- 4.8 Manager, EO/AA – Individual with overall responsibility for the Department Affirmative Action Plan and for insuring the implementation of activities regarding Equal Opportunity.
- 4.9 Officials and Administrators – Employees of the Department who set broad policies, exercise overall responsibility for execution of policies, or direct individual agencies, or specific phases of the agency's operations, or provide specialized consultation on a regional, district or area basis.
- 4.10 Targeted Positions means positions identified for Affirmative Action purposes, as contained in an approved Administration's Affirmative Action Plan.

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### **5. GENERAL**

- 5.1 Minority and female employment in the Department will be expanded.
- 5.2 Each Administration will identify a list of positions targeted for minority and female employment in its Affirmative Action Plan consistent with appropriate availability statistics.
- 5.3 All proposed selections for Official and Administrator level positions shall be reviewed by the Equal Opportunity Officer.
- 5.4 Analyses generated by the Equal Opportunity Officer shall be submitted to the Manager, EO/AA on a quarterly basis. The analysis will be reviewed by the Deputy Secretary, with the appropriate Administrator, Manager, EO/AA and the Director, OMBE/EO, as appropriate.

### **6. EXECUTIVE SERVICE AND OTHER NON-CAREER POSITIONS**

- 6.1 When a vacancy occurs in an Executive Service or other non-Career Service position which has been targeted for Affirmative Action purposes, the hiring supervisor must notify the Human Resources Office of the vacancy including date of projected hire and a valid job description. The hiring supervisor will at the same time send a copy of the job description and the notice or advertisement to the Equal Opportunity Officer.
- 6.2 The Equal Opportunity Officer will review the job description for bona fide occupational qualifications, for non-discriminatory, equal opportunity language and for Affirmative Action requirements. The job description will be used as the basis for a candidate search. The candidate search will include a review of any existing resume files; contact with job banks, local educational, civic and/or community groups; and contact with possible promotional candidates.
- 6.3 In addition to recruitment efforts conducted by the Administration's Human Resources Office, potential candidates will be contacted by the Equal Opportunity Officer and requested to submit an expression-of-interest and resume.
- 6.4 Once received, expressions-of-interest are reviewed. Resumes of qualified candidates will be forwarded to the hiring supervisor.

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- 6.5 The hiring supervisor will schedule interviews and notify the Human Resources Office of the interview schedule.
- 6.6 The Human Resources Office forwards the Interview Questionnaire Form (DTS-41) to the hiring supervisor with the notation that this position has been identified for Affirmative Action purposes.
- 6.7 All questions used by the hiring supervisor for the Interview Questionnaire Form will be reviewed prior to the interview by the Equal Opportunity Officer.
- 6.8 After completing all of the interviews, the detailed justification for selection of the candidate will be reviewed by the Equal Opportunity Officer prior to any notice to applicants.
  - 6.8.1 Concurrence – Notice of concurrence is sent to the hiring supervisor within five (5) work days with a copy to the Human Resources Office. The recommended candidate is notified.
  - 6.8.2 Non-concurrence – The hiring supervisor is notified within five working days with a copy to the Human Resources Office. The reason for the non-concurrence must also include appropriate remedial action, including but not limited to, the selection of a different candidate. Remedial action may be discussed with the hiring supervisor to develop options in order to expedite the selection of an appropriate candidate.
- 6.9 If a recommended selection cannot be agreed upon by the hiring supervisor and the Equal Opportunity Officer, the recommended selection with all supporting documentation will be forwarded to the Administrator or to the Deputy Secretary for final action.

### **7. CAREER SERVICE POSITIONS**

- 7.1 When a vacancy occurs in any Career Service position that is targeted for Affirmative Action purposes, the hiring supervisor must notify the Human Resources Office. The Human Resources Office notifies the Equal Opportunity Officer.
- 7.2 The Equal Opportunity Officer immediately contacts the appropriate Testing Office and requests an ethnic and gender composition of the list of eligibles. The

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Equal Opportunity Officer will review the composition of the list for potential to meet the Affirmative Action needs of the Administration.

- 7.3 The Equal Opportunity Officer will work with the hiring supervisor and the Human Resources Officer in the development of the Selection Plan.
- 7.4 Potential candidates will be contacted by the hiring supervisor and requested to appear for the interview.
- 7.5 The Human Resources Office forwards the Interview Questionnaire Form (DTS-41) to the hiring supervisor with the notation that this position has been identified for Affirmative Action purposes.
- 7.6 All questions used by the hiring supervisor for the Interview Questionnaire Form will be reviewed prior to the interview by the Equal Opportunity Officer.
- 7.7 After completing all of the interviews, the detailed justification for selection of the candidate will be reviewed by the Equal Opportunity Officer prior to any notice to applicants.
  - 7.7.1 Concurrence – Notice of concurrence is sent to the hiring supervisor with a copy to the Human Resources Office within five (5) work days. The recommended candidate is notified.
  - 7.7.2 Non-concurrence – The hiring supervisor is notified with a copy to the Human Resources Office within five (5) work days. The reason for the non-concurrence must also include appropriate remedial action, including but not limited to, the selection of a different candidate. Remedial action should be discussed with the hiring supervisor to develop options in order to expedite the selection of an appropriate candidate.
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### **8. REPORTS AND RECOMMENDATIONS**

- 8.1 Each Administration must submit an evaluation to the Manager, EO/AA, and The Secretary's Office no later than fifteen (15) days after the close of the fiscal quarter (October 15, January 15, April 15, and July 15).
- 8.2 For each targeted and Official/Administrator position for which interviews were conducted during the fiscal quarter, the report must identify the position by: Position Identification Number (PIN); Classification Title and Number; Division and Section assigned.
- 8.3 The report must include the number of all applicants interviewed for each position by race and gender.
- 8.4 The Administration shall maintain:
  - 8.4.1 A list by name, race and gender of all applicants interviewed for each position.
  - 8.4.2 The numerical ranking of each applicant by the interviewer.
  - 8.4.3 The reasons for the proposed selection and the concurrence or non-concurrence by the Equal Opportunity Officer.
- 8.5 For each position, the reasons for the proposed selection and the concurrence or non-concurrence by the Equal Opportunity Officer must be indicated.
- 8.6 The Manager, EO/AA will review all reports for accuracy and completeness and subsequently forward them to the Department Fair Practices Officer with any analysis deemed appropriate.
- 8.7 The Department Fair Practices Officer then notifies the Deputy Secretary who schedules a meeting with the appropriate Administrator, the Department Fair Practices Officer and other appropriate staff as deemed necessary.